

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
SPECIAL EXCEPTION * ZONING COMMISSIONER
S/S of Ebenezer Road, 164 ft. *
E of Belair Road *
4300 Ebenezer Road * OF BALTIMORE COUNTY
11th Election District *
5th Councilmanic District * Case No. 93-124-SPHX
JHP Development Company *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and a Petition for Special Exception for that property known as 4200 Ebenezer Road. The Petitioner herein, the JHP Development Company, Inc. ("JHP"), requests approval for a special exception to operate an arcade in a BL-CCC zone and to amend the parking variance granted in case No. 90-318-XA, all as shown in Petitioner's Revised Exhibit No. 1.

Appearing at the public hearing on behalf of the JHP Development Company was Jeffrey S. Pechter, the company's Vice President. The Petitioner was represented by Robert A. Hoffman, Esquire. Also appearing in support of the Petition was William F. Kirwin, an expert land planner, who prepared the Petitioner's Revised Exhibit No. 1; Weston Guckert, an expert traffic engineer with The Traffic Group; and Jo Ann Schneider, an independent architect. Appearing as interested parties were Dorothy McMann, President of the Perry Hall Improvement Association and Delores Statler. There were no Protestants present.

Testimony and evidence revealed that the Petitioner is the general partner of the Perry Hall Limited Partnership which owns the subject Perry Hall Shopping Center located at the intersection of Ebenezer and Belair Roads and zoned BL-CCC. The shopping center site had previously been the

subject of case No. 90-318-XA which granted a parking variance and a special exception for the shopping center to operate a movie theatre. The Petitioner has now filed the instant petition to obtain approval for an arcade use described as a "Family Fun Jungle" ("Fun Jungle") children's entertainment center and to amend the prior site plan contained in the parking variance case.

Mr. Hoffman proffered the testimony of each of the Petitioner's witnesses. The testimony proffered on behalf of Jeffrey Pechter stated that the proposed Fun Jungle is to be located in a currently vacant part of the shopping center where a grocery store had been. The vacant site comprises approximately 21,294 sq. ft., all of which would be utilized for the Fun Jungle. Testimony indicated that the concept behind the Fun Jungle is children's entertainment in the form of an indoor playground with playthings for kids to crawl through, climb up and jump into and amusement devices oriented towards younger children, such as coin-operated video machines and skeeball. The Fun Jungle would be specifically geared towards children age 12 and under and their supervising parents. Testimony of the Petitioner stated that the Fun Jungle was not marketed towards teenagers because it was felt that if the Fun Jungle became a "teen hangout", younger children and their parents might feel uncomfortable or even intimidated and, as a result, not patronize the business.

In addition to the play area, the Fun Jungle would also include several rooms for parties, a food service area where customer could purchase, soda, pizza, popcorn and the like, as well as some limited adult space possibly containing exercise equipment for parents to use while their children explored the Fun Jungle. Since the proposed Fun Jungle is to contain more than five amusement devices, it falls within the definition of "ar-

cade" contained in Section 101 of the Baltimore County Zoning Regulations (B.C.Z.R.). As such, it was determined that a special exception would be needed for the BL-CCC zoned site, pursuant to Section 230.13 and 423.B of the B.C.Z.R.

Section 502.1 of the B.C.Z.R. requires that before any special exception may be granted, I must determine that the use for which the special exception is requested will not:

- (a) be detrimental to the health, safety or general welfare of the locality involved;
- (b) tend to create congestion in roads, streets or alleys therein;
- (c) create a potential hazard from fire, panic or other dangers;
- (d) tend to overcrowd land and cause undue concentration of population;
- (e) interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- (f) interfere with adequate light and air;
- (g) be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations; nor
- (h) be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations.

Testimony proffered on behalf of the Petitioner indicated that the Fun Jungle would not be detrimental to the health, safety or general welfare of the surrounding community. Additional testimony proffered for Mr. Guckert indicated that the Fun Jungle would not tend to create congestion on the surrounding roads, streets or alleys. It should be noted that the Petitioner's original site plan erroneously showed the shopping center's

two theatres as being vacant, and thus had to be revised with respect to the requested special exception line, the current uses and the parking requirements. In accordance with the Revised Site Plan, a revised zoning description which is included as part of Petitioner's Revised Exhibit No. 1, was also produced.

Although I am persuaded that the Petitioner has satisfied its burden and that the Petition for Special Exception should be granted, I am convinced that the concerns expressed by Mrs. McMann and Mrs. Statler should be addressed. Although supportive of the proposed use, these residents of the local community are concerned that if a special exception for an arcade is permitted, the business might one day evolve into an adult/teenage establishment which may be detrimental to the other tenants of the shopping center and residential community nearby. Mrs. Statler and Mrs. McMann specifically were concerned about a potential likelihood for increased crime, noise, litter, etc., if the proposed use was not geared towards families and a younger clientele. In consideration of these legitimate concerns, I shall so restrict the special exception to the use proposed, or a similar business operation, and require the proposed operation to devote at least 60% of its floor space to family activities.

Testimony now turns to the requested modification of the parking variance which had previously been granted to the shopping center in case No. 90-318-XA. Testimony was proffered which indicated that the Fun Jungle would have a lesser parking requirement than the other retail uses or previous grocery store. Specifically, within the Order issued in case No. 90-318-XA, a variance was granted by Deputy Zoning Commissioner, Ann Nastarowicz, permitting 1059 parking spaces to be provided in lieu of the 1153 required. In that case, a variance of 94 spaces was allowed. In the

instant case, based upon the proposed use, only 1130 spaces need be provided, pursuant to the appropriate parking calculations. In that 1054 spaces will still be provided, a variance of only 71 spaces is necessary. However, the Petitioner stated concern that the establishment of the Fun Jungle with its lesser parking requirement might thereby reduce the existing parking variance by the lesser amount of spaces required for the Fun Jungle. Hence, if the Fun Jungle were to be discontinued in the future, the Petitioner would have to go through the inconvenience and expense of another hearing to increase the parking variance back to its original number. I find no reason why the Petitioner should not be granted the flexibility to preserve the original number of parking spaces provided in case No. 90-318-XA. There was no evidence that the 94 parking space variance has been detrimental to the health, safety or general welfare of the community. Thus, I shall reaffirm the variance to that extent, thereby allowing the Petitioner to employ a combination of uses within the shopping center which generates a parking requirement not to exceed 1153 total spaces.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 11th day of December, 1992, that the Petition for Special Exception seeking approval to operate an arcade in a BL-CCC zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to allow the modification of the parking variance previously granted in case No. 90-318-XA, all in accordance with Petitioner's Exhibit No. 1, be and is

hereby GRANTED; subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The special exception herein granted shall be restricted to the Family Fun Jungle, or a substantially similar business focused towards a family and/or children under 12 clientele. If the nature of the activity on site changes from what has been proposed within the testimony and evidence presented herein, the special exception shall be forfeited. Further, at least 60% of the floor space of the Family Fun Jungle shall be devoted to family entertainment.
3. Should the Family Fun Jungle use be discontinued, a new retail use can replace the square footage of the Family Fun Jungle without the necessity of amending this case or the parking variance granted in case No. 90-318-XA, so long as the new retail use does not require a greater parking variance than that granted in case No. 90-318-XA.

LES:mmm

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 10, 1992

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 W. Allegheny Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
Perry Hall Square Partnership, (JHP Development) Petitioner
Case No. 93-124-SPHX

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petitions for Special Hearing and Special Exception have been granted, with restrictions.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm
encl.

cc: Mr. Jeffrey Pechter
cc: Mrs. Dorothy S. McMann, President, Perry Hall Improvement Assn.
cc: Mrs. Delores Statler



Petition for Special Hearing
93-124-SPHX - 131
to the Zoning Commissioner of Baltimore County

for the property located at 4200 Ebenezer Road Perry Hall MD 21128
which is presently zoned BL-CCC

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.1 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a modification of the parking variance approved in Case No. 90-318-XA.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:	Legal Owner(s):
(Type or Print Name)	Perry Hall Square Partnership
Signature	By: [Signature] General Partner
Address	(Type or Print Name)
City	State
Zipcode	Zipcode
Attorney for Petitioner:	From No.:
John B. Howard Esquire	JHP Development
(Type or Print Name)	40 York Road 2nd Floor Towson MD
Signature	Name, Address and phone number of legal owner/contract purchaser or representative
210 Allegheny Avenue	John B. Howard Esquire
Towson Maryland 21204	210 Allegheny Avenue
City	Towson Maryland 21204
State	Phone No. 494 6200
Zipcode	Zipcode
ESTIMATED LENGTH OF HEARING: 1 hr	
The following date: 19/11/92	
Reviewed by: L6 DATE 19/11/92	

Petition for Special Exception

93-124-SPHX 131
 to the Zoning Commissioner of Baltimore County
 Address: 4200 Ebenezer Rd. Perry Hall, MD 21088 Zoned: BL-CC
 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an arcade under Section 230.13 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.
 I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.
 Contract Purchaser/Lessee: Perry Hall Square Partnership
 (Type or Print Name)
 Signature: Jack Pechter, General Partner
 Address: (Type or Print Name)
 City and State: JHP Development
 40 York Road, 2nd Floor
 Towson, Maryland 21204
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted: John B. Howard, Esquire
 210 Allegheny Avenue
 Towson, Maryland 21204
 Attorney's Telephone No.: 494-6200



ESTIMATED LENGTH OF HEARING: -1/2HR. +1HR.
 AVAILABLE FOR HEARING: MON./TUES. - NEXT TWO MONTHS
 ALL: OTHER
 REVIEWED BY: LG DATE: 10-15-92
 131

Greenhorne & O'Mara, Inc.
 113 WEST ROAD • SUITE 208 • BALTIMORE, MARYLAND 21204 • (301) 296-4100
 ENGINEERS ARCHITECTS PLANNERS SCIENTISTS SURVEYORS PHOTOGRAMMETRISTS

PARCEL NO. 1 EXHIBIT "A"
 93-124-SPHX-131

Beginning for the same at a point on the south side of Ebenezer Road, formerly New Joppa Road, located 164.61 feet easterly from the intersection formed by the extensions of the northeast side of Belair Road and the south side of Ebenezer Road, formerly New Joppa Road, as laid out 70 feet wide, said point being at the easternmost corner of Parcel "B", as shown on the plat of Section "A", Joppa Vale, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, folio 123; and running thence, binding on the south side of Ebenezer Road, formerly New Joppa Road, South 69 degrees 45 minutes 55 seconds East 1198.75 feet; thence by a line parallel to and 446.13 feet at a right angle from Yvonne Avenue, as shown on the Plat of Section "B", Joppa Vale, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, folio 124 South 00 degrees 47 minutes 24 seconds East 770.47 feet to intersect the southern boundary of Section "B" above referred to; and thence binding thereon, and on the outline of Section "A", North 53 degrees 52 minutes 25 seconds West 1498.26 feet and North 43 degrees 00 minutes 35 seconds East 100.00 feet and North 53 degrees 52 minutes 25 seconds West 152.19 feet to the southernmost corner of Parcel "B", and thence binding on the outline of said Parcel "B", North 43 degrees 00 minutes 35 seconds East 189.85 feet to the place of beginning. Containing 15 acres of land, more or less.

PARCEL NO. 2
 Beginning for the same at a point on the southeast side of Belair Road located 164.37 feet southwesterly from the intersection formed by the extensions of the southeast side of Belair Road and the southwest side of Ebenezer Road, formerly New Joppa Road as shown on the Plat of Section "A", Joppa Vale, recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 20, folio 123, running thence, and binding reversely on part of the third line of the property conveyed by Anthony Kudirka and wife to Frank A. Keller and C. Randall Keller, Co-partners trading as Keller Realty Company, by Deed dated March 29, 1956 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2900, folio 267, as now surveyed, South 53 degrees 52 minutes 25 seconds East 304.38 feet to the beginning of said third line, thence binding reversely on the second and part of the first lines of said conveyance, South 43 degrees 00 minutes 35 seconds West 100.00 feet and north 53 degrees 52 minutes 25 seconds West 303.99 feet to intersect the southeast right of way line of Belair Road, as shown on the State Roads Commission of Maryland plat No. 1043, running thence, and binding on the southeast side of said right of way, as now corrected, North 42 degrees 47 minutes 25 seconds East 99.95 feet to the place of beginning. Containing 0.693 acres of land, more or less. The improvements thereon being now or formerly known as No. 8911 Belair Road.

ANNAPOLIS, MD • ATLANTA, GA • AURORA, CO • BALTIMORE, MD • CULPEPER, VA • DULUTH, GA • FAIRFAX, VA • GREENBELT, MD • LEEBURG, VA • MANASSAS, VA • ORLANDO, FL • ROCKVILLE, MD • TAMPA, FL • WEST PALM BEACH, FL

PERRY HALL SQUARE
 PERRY HALL, MARYLAND
 SPECIAL EXCEPTION PLAT

ZONING DESCRIPTION

BUILDING PARCEL

BEGINNING for the same at a point at the intersection of the centerlines of Belair Road and Ebenezer Road, thence running in the centerline of Ebenezer Road South 69 degrees 45 minutes 55 seconds East 1,024.00 feet, thence leaving said centerline and running South 20 degrees 14 minutes 05 seconds West 397.00' to the point of beginning.

Beginning at said point and running the following courses and distances; South 00 degrees 47 minutes 24 seconds East 165.00', North 88 degrees 13 minutes 36 seconds East 120.00', North 00 degrees 47 minutes 24 seconds West 165.00', South 88 degrees 13 minutes 36 seconds West 120.00' to the place of beginning.

CONTAINING 0.45 acres or 19,800 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 5287, Folio 836. Also known as 4200 Ebenezer Road, Perry Hall, Maryland 21128 in the fifth Election District.



WILLIAM F. KIRWIN, INC.

28 E. Superhanna Avenue
 Towson, MD 21286-5218
 Phone: 410.337.0075
 Fax: 410.823.3827

PERRY HALL SQUARE
 PERRY HALL, MARYLAND
 SPECIAL EXCEPTION PLAT

ZONING DESCRIPTION

BEGINNING for the same at a point at the intersection of the centerlines of Belair Road and Ebenezer Road, thence running in the centerline of Ebenezer Road South 69 degrees 45 minutes 55 seconds East 1,021.00 feet, thence leaving said centerline and running South 20 degrees 14 minutes 05 seconds West 47.00' to the point of beginning.

Beginning at said point and running the following courses and distances; South 20 degrees 14 minutes 05 seconds West 350.00', South 00 degrees 47 minutes 24 seconds East 185.00', North 88 degrees 13 minutes 36 seconds East 120.00', North 00 degrees 47 minutes 24 seconds West 240.00', North 20 degrees 14 minutes 05 seconds East 252.00', South 88 degrees 13 minutes 36 seconds West 85.00' to the place of beginning.

CONTAINING 1.24 acres or 54,014 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 5287, Folio 836. Also known as 4200 Ebenezer Road, Perry Hall, Maryland 21128 in the fifth Election District.



WILLIAM F. KIRWIN, INC.

28 E. Superhanna Avenue
 Towson, MD 21286-5218
 Phone: 410.337.0075
 Fax: 410.823.3827

93-124-SPHX 131

PERRY HALL SQUARE
 PERRY HALL, MARYLAND
 SPECIAL EXCEPTION PLAT

ZONING DESCRIPTION

BEGINNING for the same at a point at the intersection of the centerlines of Belair Road and Ebenezer Road, thence running in the centerline of Ebenezer Road South 69 degrees 45 minutes 55 seconds East 1,025.00 feet, thence leaving said centerline and running South 20 degrees 14 minutes 05 seconds 88.00' West to the point of beginning.

Beginning at said point and running the following courses and distances; South 20 degrees 14 minutes 05 seconds West 240.00', South 00 degrees 47 minutes 24 seconds East 215.00', North 88 degrees 13 minutes 36 seconds East 60.00', North 00 degrees 47 minutes 24 seconds West 220.00', North 20 degrees 14 minutes 05 seconds East 211.00', South 88 degrees 13 minutes 36 seconds West 60.00' to the place of beginning.

CONTAINING 0.63 acres or 27,500 square feet of land more or less, being part of a property known as Perry Hall Square as recorded in the Baltimore County Land Records Liber 5287, Folio 836. Also known as 4200 Ebenezer Road, Perry Hall, Maryland 21128 in the fifth Election District.



WILLIAM F. KIRWIN, INC.

28 E. Superhanna Avenue
 Towson, MD 21286-5218
 Phone: 410.337.0075
 Fax: 410.823.3827

131

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: 11/6/92
 Posted for: Special Hearing & Exception
 Petitioner: Perry Hall Square Partnership
 Location of property: 4200 Ebenezer Rd. (4200) 164 E. Belair Rd.
 Location of Sign: Facing roadway at entrance to Perry Hall Shopping Center
 Remarks:
 Posted by: [Signature] Date of return: 11/13/92
 Number of Signs: 1

CERTIFICATE OF PUBLICATION
 TOWSON, MD. Oct 29, 1992

THIS IS TO CERTIFY that the proposed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 29, 1992

THE JEFFERSONIAN

S. Zake Delmar

receipt

Baltimore County
 Zoning Administration & Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204
 Account: R-001-6150
 Number:
 Date:
 199300131
 PURCHASED FOR: 199300131
 QTY: 1 PRICE: \$650.00
 199300131
 QTY: 1 PRICE: \$300.00
 TOTAL: \$950.00
 04A040071MCHRC \$550.00
 BA C010124M10-15-92
 Please Make Checks Payable To: Baltimore County

93-124-SPHX 131

receipt

Baltimore County
 Zoning Administration & Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204
 Account: R-001-6150
 Number:
 Date:
 199300131
 PURCHASED FOR: 199300131
 QTY: 1 PRICE: \$100.00
 199300131
 QTY: 1 PRICE: \$100.00
 TOTAL: \$200.00
 04A040071MCHRC \$100.00
 BA C009149M11-17-92
 Please Make Checks Payable To: Baltimore County

receipt

Baltimore County
 Zoning Administration & Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204
 Account: R-001-6150
 Number:
 Date: 11-24-92
 93-124
 199300131
 PURCHASED FOR: 199300131
 QTY: 1 PRICE: \$65.45
 199300131
 QTY: 1 PRICE: \$65.45
 TOTAL: \$130.90
 04A040071MCHRC \$65.45
 BA C01139M11-16-92
 Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 11/2/92

Perry Hall Square Partnership
c/o JRP Development
40 York Road, 2nd Floor
Towson, Maryland 21204

RE:

CASE NUMBER: 93-124-SPHX (Item 131)
S/S Ebanes Road, 164' E of Belair Road
4200 Ebanes Road
Perry Hall Square Shopping Center
11th Election District - 5th Commisicomic
Petitioner(s): Perry Hall Square Partnership
HEARING: TUESDAY, NOVEMBER 24, 1992 at 11:00 a.m. in Rm. 106, Office Building.

Dear Petitioner(s):

Please be advised that \$ 65.45 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON
DIRECTOR

cc: John B. Howard, Esq.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 11/2/92

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-124-SPHX (Item 131)
S/S Ebanes Road, 164' E of Belair Road
4200 Ebanes Road
Perry Hall Square Shopping Center
11th Election District - 5th Commisicomic
Petitioner(s): Perry Hall Square Partnership
HEARING: TUESDAY, NOVEMBER 24, 1992 at 11:00 a.m. in Rm. 106, Office Building.

Special Hearing to approve a modification of the parking variance approved in case #90-318-EL. Special Exception for an arcade.

ARNOLD JABLON
DIRECTOR

cc: Perry Hall Square Partnership
John B. Howard, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

November 17, 1992

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 93-124-SPHX, Item No. 131
Petitioner: Perry Hall Square Partnership
Petition for Special Hearing and
Special Exception

Dear Mr. Howard:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 15th day of October, 1992.

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards
Chairman,
Zoning Plans Advisory Committee

Petitioner: Perry Hall Square Partnership
Petitioner's Attorney: John B. Howard

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DPM/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: Dennis R. Kennedy Date: 11/02/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
DED DEPRM RP STP TE	St. Thomas Joint Venture	130	10-26-92	NC
DED DEPRM RP STP TE	Perry Hall Square Partnership	131		NC
DED DEPRM RP STP TE	Colleen M Kelly and Gary L. Pitts	132		NC
DED DEPRM RP STP TE	Paul E. and Emily S. Abbott	133		NC

COUNT 4

90476 Stonegate at Patapsco (Azreal Property) 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS
COUNT 5

*** END OF REPORT ***

Rec'd 11/2/92

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 4131 (L36)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David Ramsey 10/2/92
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Telephones for Impaired Hearing or Speech:
303-7886 Baltimore Metro - 800-841 D.C. Metro - 1-800-495-5555 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21205-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 9, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(October 26, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):
Perry Hall Square Partnership, Item No. 131

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Francis Morsey

Division Chief: _____

EMCD/PM:rdn

131.ZAC/MAC1

DPM/Traffic Engineering
Development Review Committee Response Form
Authorized signature: _____ Date: 11/02/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
DED DEPRM RP STP TE	York Stevenson Limited Partnership	121	10-19-92	
DED DEPRM RP STP TE	St. Thomas Joint Venture	130	10-26-92	
DED DEPRM RP STP TE	Perry Hall Square Partnership	131		
DED DEPRM RP STP TE	Colleen M Kelly and Gary L. Pitts	132		
DED DEPRM RP STP TE	Paul E. and Emily S. Abbott	133		

COUNT 4

90476 Stonegate at Patapsco (Azreal Property) 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

FINAL TOTALS
COUNT 6

*** END OF REPORT ***

Rec'd 11/2/92

(410) 887-4500

Item No.: +131 (LJG) Zoning Agenda: OCTOBER 26, 1992

JP/KEK

(410) 887-1500

JP/KEK

Rec'd 10/1/92

ROBERT A. HOFFMAN

December 7, 1992

WRITER'S DIRECT NUMBER IS
(410) 484-8163

Sincerely,


Robert A. Hoffman

RAH/pr
Enclosure

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME _____

NAME (Mch)
Dorothy L. Mc Mann
Bellevue, Wash

ADDRESS

ADDRESS
Pres. Perry Hall Day Assoc.
Perry Hall, Md.

STATICA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

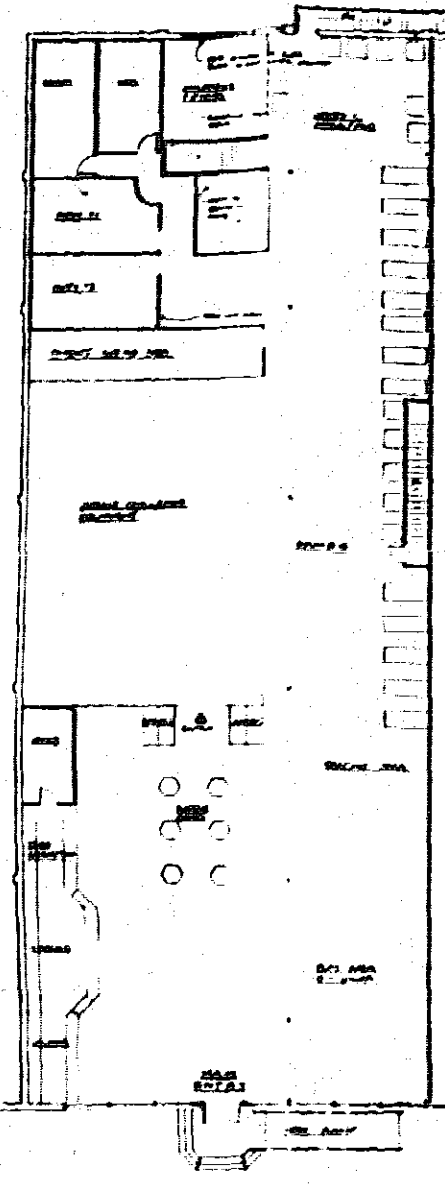
NAME _____

ADDRESS

NAME
Rob Hoffman
WES GUCKER
BILL KIRMIN
JO SCHNEIDER
Jeffrey Pechter

ADDRESS
210 ALLEGHENY AVE
46 W. CASSAUBON AVE.
135 S. BROADWAY AVE
1007 WINDING WAY 21210
40 YORK RD 21049





USES	<u>SQUARE FOOTAGE</u>	<u>REQUIRED PARKING</u>
Building Permit Service	5,147 sq. ft.	5.7 spaces
Score Point	3,115 sq. ft.	13.6 spaces
Greiner	5,155 sq. ft.	10.0 spaces
Golden Bowl	1,280 sq. ft.	6.3 spaces
Village Sub Shop	2,200 sq. ft.	10.0 spaces
P.O. & Mailbox Lot	1,475 sq. ft.	7.4 spaces
Marshall Maritime Bank	3,205 sq. ft.	16.0 spaces
American National Bank	2,520 sq. ft.	12.6 spaces
A & B Books	3,500 sq. ft.	17.5 spaces
Dr. Glanzer - Optometrist	1,200 sq. ft.	4.0 spaces
Dr. Ruchman - Dentist	1,755 sq. ft.	5.0 spaces
Building Alley	45,000 sq. ft.	44.00 spaces
*Movie Theater (800 Seats)		1,120 SEAT SPACES
TOTAL 196,384 sq. ft.		

*NOTE: AS PER SECTION 400.5 OF THE BALTIMORE COUNTY ZONING REGULATIONS, MOVIE THEATERS ARE CONSIDERED AS A SEPARATE USE FOR PARKING CALCULATIONS.

CHART TOTAL	190 SPACES
TOTAL PARKING REQUIRED	190 SPACES
TOTAL PARKING PROVIDED	190 SPACES

Debra L. Davis

3) The Permittees may apply for their building permit and be granted same upon receipt of this order. However, Permittees are hereby made aware that any construction of any kind shall be in their own risk until such time as the 30-day appeal process from this Order expires. If the Permittees are denied their appeal, they are responsible for returning said property to its original condition.

4) Prior to the issuance of any permits, Permittees shall submit a landscaping plan for approval by the Baltimore County Landscaping Committee. The landscaping plan shall include a site plan showing the landscaping required may exceed that set forth in the Baltimore County Landscaping Ordinance. The landscaping plan shall be placed in the office delineated in the overlay adopted and placed in the Office of Planning's comments dated March 31, 2011.

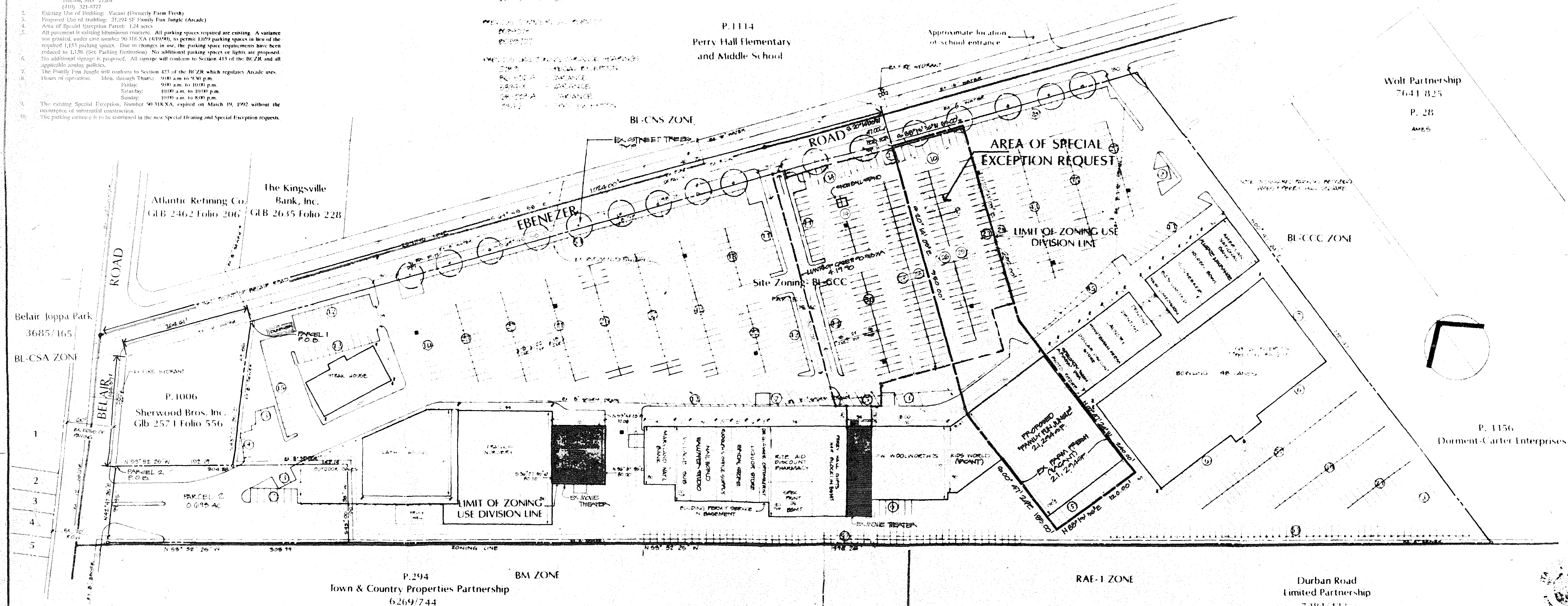
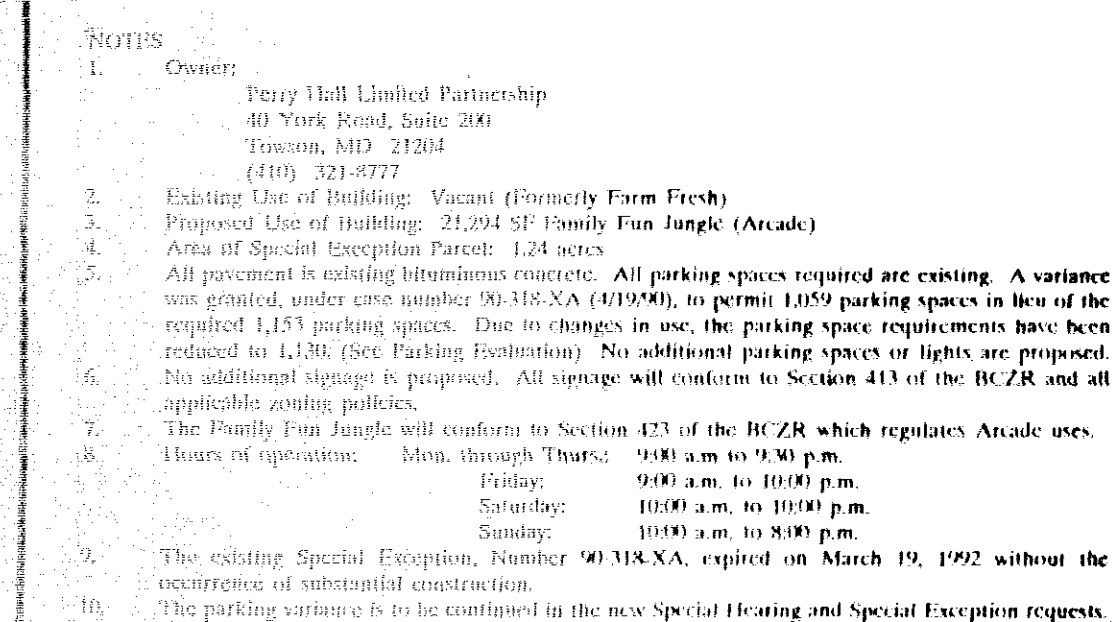
5) No temporary signs or seasonal banners shall be permitted on the premises.

6) No additional signage shall be permitted beyond what is currently provided for in the Baltimore County Landscaping Ordinance. Any additional signs, banners and/or signage shall be removed from the premises and at risk of being removed.

7) When applying for a building permit, the site plan and landscaping plan filed must reference this Order and set forth and address the restrictions in this Order.


EIGHT FOOT
 EXISTING SEWER LINE
 EXISTING WATER LINE
 EXISTING STORM DRAIN LINE
 EDGE OF EXISTING PAVING
 EXISTING FIRE HYDRANT

NOTE: I AM NOT QUALIFIED TO SPEAK FOR THE AGENTS AND
 AM NOT AN FBI AGENT
 I BELIEVE THAT COOPERATION IS IN CHARACTER AND
 APPROPRIATE FOR AGENTS.
 I AM TRAVELING DURING MY LEAVE PERIOD.



Plan to Accompany Special Exception and Special Hearing Request

PETITIONER:
JHP DEVELOPMENT COMPANY, INC.
40 YORK ROAD
SECOND FLOOR
TOWSON, MARYLAND 21204
(410) 321-8777

 **WILLIAM F. KIRWIN, INC.**
Phone: 410.337.0075
Fax: 410.823.3827
28 E. Susquehanna Avenue
Towson, MD 21204-5285
Landscape Architecture
Land Planning
Environmental Design

[illegible]

ENGINEERS • ARCHITECTS • PLANNERS • SCIENTISTS • SURVEYORS • PHOTOGRAMMETRISTS
GREENHORNE & O'MARA, INC.
113 WEST ROAD, SUITE 208, BALTIMORE, MARYLAND 21204
(301) 296-4100

PERRY HALL SQUARE

ELECTION DISTRICT NO. 11

BALTIMORE COUNTY, MARYLAND

ADDRESS: 12001 BENDLEAVE ROAD
PERRY HALL, MD 21126

93-124-SPAX

11-13-92

REVISED

DESIGN	SCALE 1"=50'	
DRAWN	1 OF 1	
CHECKED	SHEET	
109-92 DATE	JOB No	FILE No



DESIGN	SCALE 1" = 50'	
DRAWN	1 OF 1	
CHECKED		
DATE 10-9-92	JOB No.	FIG. No.